

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

JAMAL MORTON,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:20-cv-0031
)	
WYNNIE TESTAMARK,)	
)	
Respondent.)	
)	

APPEARANCES:

Joseph A Diruzzo, Esq.

DiRuzzo & Company

Ft. Lauderdale, FL

For Petitioner Jamal Morton.

ORDER

BEFORE THE COURT is Petitioner Jamal Morton’s (“Morton”) Petition for a Writ of Habeas Corpus. (ECF No. 1.) Also before the Court is Petitioner’s Motion to Appoint Counsel, ECF No. 3, Petitioner’s “Motion for Service Upon the United States Virgin Islands Attorney General,” ECF No. 7, and Petitioner’s two motions to proceed *in forma pauperis*. (ECF Nos. 2 & 6.) The Magistrate Judge issued a Report and Recommendation recommending that the Court deny Morton’s habeas petition for failure to exhaust his state court remedies. (ECF No. 9.) Accordingly, the Report and Recommendation also recommended the Court deny the motion to appoint counsel and the motion for service upon the Virgin Islands Attorney General. *See id.* Lastly, the Magistrate Judge recommended that the Court deny the first motion to proceed *in forma pauperis*, ECF No. 2, but grant the second one. (ECF No. 6.) After careful review and consideration, the Court adopts the Report and Recommendation. Accordingly, for the reasons stated in the accompanying Memorandum Opinion of even date, it is hereby

ORDERED that the January 11, 2021 Report and Recommendation, ECF No. 9, is **ADOPTED**; it is further

ORDERED that Petitioner's Petition for Writ of Habeas Corpus, ECF No. 1, is **DISMISSED without prejudice** for failure to fully exhaust territorial court remedies; it is further

ORDERED that Petitioner's motion for the appointment of counsel, ECF No. 3, is **DENIED**; it is further

ORDERED that Petitioner's Motion for Service Upon the U.S. Virgin Islands Attorney General, ECF No. 7, is **DENIED**; it is further

ORDERED that Petitioner's motion to proceed *in forma pauperis*, ECF No. 2, is **DENIED**; and Petitioner's motion to proceed *in forma pauperis*, ECF No. 6, is **GRANTED**; it is further

ORDERED that a certificate of appealability is **DENIED**; it is further

ORDERED that all pending motions in this matter are **MOOT**; and it is further

ORDERED that the Clerk of Court shall **CLOSE** this case.

Dated: December 14, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge